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BY ECF

March 24, 2021

Re: **United States v. Rules Pierre, 19 Cr. 783 (SHS)**

Honorable Sidney H. Stein
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

Dear Judge Stein:

We represent Rules Pierre in the above-captioned matter, which is currently scheduled for trial beginning on April 19, 2021. We write with the Government's consent to address certain pre-trial and trial-related matters.

First, pursuant to the Court's March 18, 2021 Order (ECF No. 46), the parties write to inform the Court that at this time, they anticipate this matter will proceed to trial on April 19, 2021, and are preparing for trial accordingly. To the extent this changes, for any reason, we will be in touch with the Court promptly.

Second, the parties request that the Court schedule a final pre-trial conference to arraign Mr. Pierre on the S1 Indictment filed on January 19, 2021, and to address trial logistics and procedures. With respect to certain issues, the parties have come to the following agreements, subject to approval by the Court:

- Defense has produced Rule 16(b) material in its possession and will continue to produce such material on a rolling basis promptly after receipt and review.
- Defense will produce Rule 26.2 material at the close of the Government's case.
- The Government will provide any expert notice by **March 29, 2021** and the defense will provide any expert notice by **April 5, 2021**.

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With respect to the exchange of witness and exhibit lists, as well as copies of marked trial exhibits, witness order, and, in particular, summary charts, the parties have been unable to come to an agreement on when these disclosures should be made. Accordingly, the parties respectfully request that the Court address those issues at the conference or, depending on the schedule, put in separate letters on those issues.

Third, as we notified the government and Mr. Pierre when I was first appointed counsel, one of the Simpson Thacher associates who is working on this case has an application pending with the U.S. Attorney's Office. Accordingly, we request that the Court hold a hearing pursuant to *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982), to advise Mr. Pierre of his right to counsel free from any potential or actual conflicts of interest, and so that he may formally waive any objection on the record. During this hearing, out of an abundance of caution and at the government's request, we also ask that the Court inquire as to Mr. Pierre's waiver of any potential conflicts given my personal friendship with AUSA Boone, a member of the prosecution team, and if necessary, my additional personal connections to the U.S. Attorney's Office. We have conferred with Mr. Pierre, who advises that he has no objection to these potential or actual conflicts, and wishes to proceed with Simpson Thacher as counsel.

* * *

Subject to the Court's availability and convenience, the parties have conferred and are available for a pre-trial conference and *Curcio* hearing on **March 31, April 5, April 6** (morning), or **April 7, 2021**.

We thank the Court for its consideration of these requests.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Brooke E. Cucinella".

Brooke E. Cucinella
Mark J. Stein

cc: AUSA Robert Boone (by ECF)
AUSA Drew Skinner (by ECF)